

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	)	
RICHARD P. MELTZ, AS ADMINISTRATOR,	)	
OF THE ESTATE OF KAREN MELTZ,	)	
	)	
Plaintiff,	)	
	)	
-against-	)	<b>DOCKET #7:07-cv-9708</b>
	)	<b>(CS)</b>
	)	
PUTNAM COUNTY, DONALD B. SMITH,	)	
PUTNAM COUNTY SHERIFF, SERGEANT	)	
MICHAEL SZABO, DEPUTY SHERIFF	)	
THOMAS LEE AND JOHN DOE,	)	
	)	
Defendants.	)	
	)	
-----X	)	

**ASSENTED-TO MOTION TO AMEND COMPLAINT**

**NOW COMES** the plaintiff, Richard Meltz, as Administrator of the estate of Karen Meltz, requests that this court grant him permission to file an amended complaint in the above-captioned case.

1. The original plaintiff in this action was Karen Meltz. Unfortunately, Ms. Meltz passed away subsequent to the institution of this action.
2. On June 27, 2008, the Surrogates Court, Putnam County, appointed Richard Meltz as Administrator of the Estate of Karen Meltz.
3. The proposed amended complaint, attached as Exhibit 1 to this motion, substitutes Richard Meltz, as Administrator of the Estate of Karen Meltz, for Karen Meltz as the plaintiff.
4. Adam Kleinberg and James Randazzo, counsel for the defendants, assent to this motion. Due to the nature of this motion no memorandum of law is necessary.

WHEREFORE, for the reasons stated herein the plaintiff requests that this Court accept for filing the attached amended complaint.

Respectfully submitted,

Richard Meltz,

By His Attorneys,  
Nixon, Raiche, Vogelmann, Barry & Slawsky, P.A.

Dated: August 18, 2008

/s/ Lawrence A. Vogelmann  
LAWRENCE A. VOGELMAN (8722)  
77 Central Avenue  
Manchester, NH 03101  
(603) 669-7070

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the within Assented-To Motion To File Amended Complaint has been served on Adam Kleinberg and James Randazzo via Electronic Case Filing on this 18<sup>th</sup> day of August, 2008.

/s/ Lawrence A. Vogelmann  
Lawrence A. Vogelmann (8722)